

Hardrock Mining and Reclamation Act of 2007

H.R.2262 [110th]

Hardrock Mining and Reclamation Act of 2007 - (Sec. 3) States this Act applies to any mining claim, millsite claim, or tunnel site claim: (1) located under the general mining laws before, on, or after the date of enactment of this Act; or (2) used for beneficiation or mineral processing activities, regardless of whether legal and beneficial title to the mineral is held by the United States.

Title I: Mineral Exploration and Development

- (Sec. 101) Conditions federal issuance of a patent for any mining or millsite claim located under the general mining laws upon specified determinations by the Secretary of the Interior.

(Sec. 102)

Subjects production of locatable minerals, including mineral concentrates or products derived from such minerals, to a royalty of 8% of the gross income from mining.

Imposes a 4% royalty upon federal lands subject to an existing permit.

Subjects to specified royalties certain federal land added to an existing operations permit.

Sets forth royalty payment requirements governing claim holders, operators, and transporters.

Makes

each person liable for royalty payments under this Act jointly and severally liable for royalty on all locatable minerals, concentrates, or derived products lost or wasted from a mining claim maintained in compliance with this Act when such loss or waste is due to negligence on the part of any person or due to the failure to comply with any rule, regulation, or order issued under this Act.

Establishes a civil penalty for failure to comply with royalty requirements.

(Sec.

103) Sets forth a hardrock mining claim maintenance fee for each unpatented mining claim, mill, or tunnel site on federally owned lands, whether located before, on, or after enactment of this Act.

Requires

waiver of such fee for a claimant who certifies in writing that on the payment due date the claimant and all related parties held not more than 10 mining claims, mill sites, or tunnel sites, or any combination of them on public lands, and had performed requisite assessment work.

States

that nonpayment of the claim maintenance fee constitutes a forfeiture of the unpatented mining claim, mill, or tunnel site.

(Sec. 104)

States that timely payment of the claim maintenance fee asserts claimant's authority to use and occupy the federal land concerned for prospecting and exploration.

Title II: Protection of Special Places

- (Sec. 201) States that mining claims may be located under the general mining laws only on such lands and interests as were open to location immediately before enactment of this Act.

Designates the

following lands as not open to location of mining claims under the general mining laws on or after the date of enactment of this Act: (1) wilderness study areas; (2) areas of critical environmental concern; (3) areas designated for inclusion in the National Wild and Scenic Rivers System (including areas designated for potential addition, or eligible for inclusion in such system); and (4) any area identified in certain inventoried roadless areas maps contained in the Forest Service Roadless Area Conservation Final Environmental Impact Statement.

(Sec.

202) Permits a state, political subdivision, or Indian tribe to petition the Secretary for withdrawal of specific federal land from operation of the general mining laws in order to protect specific values that are important to such entities.

Title III: Environmental Considerations of Mineral Exploration and Development -

(Sec. 301) Instructs the Secretary to ensure that mineral activities on federal land subject to a mining claim, millsite claim, or tunnel site claim are carefully controlled to prevent undue degradation of public lands and resources.

Prohibits the Secretary from granting permission to engage in mineral activities if the Secretary publishes a determination in the Federal Register that undue degradation would result.

(Sec. 302) Prohibits mineral activities on federal land that may cause a disturbance of surface resources unless the claim and permit were issued in compliance with this Act.

(Sec. 303) Sets forth requirements for the exploration permit process and for operations permits.

(Sec.

305) Prohibits the issuance or transfer of permits if the underlying claim is in violation of this Act unless corrective action has been taken according to specified requirements.

Prohibits any permit issuance if there is a pattern of willful violations of its environmental protection requirements by the applicant, an affiliate, or the operator or claim holder if different from the applicant.

(Sec. 306) Sets forth requirements for financial assurance as a prerequisite to a permit.

Requires

such financial assurance to include the estimated cost of maintaining effluent treatment to meet effluent limitations and water quality standards after cessation of mineral activities.

(Sec. 307)

Requires restoration of lands under this Act to a condition capable of supporting: (1) the uses they were capable of supporting prior to surface disturbance; or (2) other beneficial uses which conform to applicable land use plans as determined by the Secretaries. Sets forth operation and reclamation standards.

Instructs the Secretary of

the Interior to work with state and local governments to ensure that surface or groundwater withdrawals as a result of mining activities do not cause undue degradation.

(Sec. 308) Declares that state law

or regulations which exceed the requirements of this Act shall not construed to be inconsistent with such requirements.

States that

an understanding before the enactment of this Act between the Secretary concerned and any state or political subdivision regarding mineral activities on lands subject to this Act may only continue in force until one year after the date of enactment of this Act.

(Sec.

309) Prohibits issuance of a permit authorizing mineral activities that would impair the land or resources of the National Park System or a National Monument.

Title IV: Mining Mitigation - Subtitle A: Locatable Minerals Fund -

(Sec. 401) Establishes the Locatable Minerals Fund (Fund) composed of:

(1) penalties, fees and royalties; (2) the Hardrock Reclamation Account, and (3) the Hardrock Community Impact Assistance Account.

Subtitle B: Use of Hardrock Reclamation Account -
(Sec. 411) Authorizes the Secretary to use moneys in the Hardrock Reclamation Account for the reclamation and restoration of land and water resources adversely affected by past mineral activities on certain federal lands, including habitat reclamation and restoration.

Prescribes requirements for allocation among certain states of 50% of the amounts deposited into such Account.

Subtitle C: Use of Hardrock Community Impact Assistance Account
- (Sec. 421) Makes the Hardrock Community Impact Assistance Account available to provide assistance for the planning, construction, and maintenance of public facilities and the provision of public services to states, political subdivisions, and Indian tribes socially or economically impacted by mineral activities conducted under the general mining laws.

(Sec. 422) Prescribes allocation of funds from such Account.

Title V: Administrative and Miscellaneous Provisions - Subtitle A: Administrative Provisions
- (Sec. 501) Amends the Mining and Minerals Policy Act of 1970 to declare that it is federal mining and minerals policy to ensure that mineral extraction and processing not cause undue degradation of the natural and cultural resources of the public lands.

Confers responsibility upon the Secretary of Agriculture to implement certain policy provisions of such Act.

Amends
the National Materials and Minerals Policy, Research and Development Act of 1980 to direct the Secretary of Agriculture to promptly initiate actions to improve the availability and analysis of mineral data in public land use decision making with respect to National Forest System lands.

(Sec. 502) Authorizes the Secretaries to: (1) collect users fees; and (2) make inspections and monitor mineral activities.

(Sec. 504) Authorizes citizens suits to compel compliance with this Act.

(Sec. 505) Sets forth procedures for: (1) administrative and judicial review; and (2) enforcement, including penalties, suspensions and revocations.

any
person who holds a limited patent or maintains a claim pursuant to this
section shall be required to carry out reclamation as prescribed

Subtitle B: Miscellaneous Provisions

- (Sec. 511) Amends the Energy Policy Act of 1992 to subject certain
oil shale claims to the reclamation requirements of titles II and III
of this Act.

(Sec. 517) Repeals: (1) the Building Stone Act; and (2) the Saline Placer Act.

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